

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)

v.)

CR. NO. 10-10288-MLW

1. CURTIS HESTER,)

A/K/A "CJ")

2. TIMOTHY MOYNIHAN,)

JOINT MOTION TO CONTINUE TRIAL
BY ONE WEEK UNTIL SEPTEMBER 26, 2011

Now comes the parties, by their undersigned respective attorneys, and hereby jointly move to continue the trial of this matter by one week until September 26, 2011. The parties also jointly request that, if the trial is so continued, the deadline for the defendant's reply to the government's opposition to its motions in limine be extended from September 2, 2011 to September 7, 2011. The parties also jointly request that, if this motion is granted, the time period from September 19, 2011 to and including September 26, 2011, be excluded under the Speedy Trial Act as the time necessary for the defendants to review discovery produced by the government and investigate the evidence and prepare for trial.

As grounds for this motion, the parties state that several motions in limine are currently pending, some of which the parties may be able to partially or fully resolve with the additional time, and the parties are also working to resolve additional evidentiary issues. The additional time will assist the parties in potentially streamlining the case and ensuring a

The court is not available on September 26, 2011 to commence trial. If trial is not commenced on September 19, 2011, it will have to be postponed to October 24, 2011. The parties shall on August 31, 2011, state whether they request such a postponement and exchange of time for SDA

no on August 26, 2011
J.D.
W.D.

more efficient trial. The parties also note that the arraignment on the superseding indictment in this case is scheduled for September 9, 2011.

Respectfully submitted,

CARMEN M. ORTIZ

United States Attorney

By: /s/ PETER K. LEVITT
PETER K. LEVITT
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FOR THE DEFENDANT,

CURTIS HESTER,

/s/ EDWARD L. HAYDEN (by PKL)
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FOR THE DEFENDANT,

TIMOTHY MOYNIHAN,

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August 30, 2011

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Peter K. Levitt
PETER K. LEVITT
Assistant United States Attorney